IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1464/06

Shri.Mangal Singh Jogendarsing .....Applicant

V/s.

The state of Maharashtra .... Respondent

Shri.D.S. Paikrao Adv. for the applicant.
Shri.Y.S. Shinde, APP for the State.

CORAM : V.M. KANADE, J.
DATE : 25/04/06

P.C:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant was arrested in connection with C.R.No.I-43/2005 registered with Nhavasheva Police Station for the offences punishable U/s.302, 323, 324, 325, 504 r/w 34 of IPC. It is alleged that the applicant gave one blow to the deceased with a Tommy. As a result of which victim collapsed and died subsequently. It is submitted that chargesheet has been filed. The applicant is in jail since the

year 2005. It is submitted that cross complaint has been filed by the applicant and incident happened spontaneously. The trial is likely to begun from 5th May, 2006. P.M. Notes indicates that there was signal blow given by the applicant on the head of deceased. Cross complaints were lodged by both the parties against each other in which the applicant also suffered injuries. Considering the facts and circumstances, in my view, this is a fit case for grant of bail.

3. The applicant be released on bail in the sum of Rs.5,000/- with one or two local sureties in the like amount. The applicant shall report to Nhavasheva Police Station once in a week till the disposal of the case. The applicant shall not tamper with the evidence or threaten the witnesses.

4. If any complaint is received by I.O. against the present applicant, liberty is given to the Public Prosecutor to apply for cancellation of bail.

5. Trial court shall not be influenced by any observations made by this court while passing this order and the same may not be construed as an

expression of opinion of the case and decide the case on its own merit and in accordance with law.

6. Application is accordingly disposed of.

V.M. KANADE, J.